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Attorneys for Plaintiff and Counter-defendant
VIOLET BLUE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VIOLET BLUE, an Individual,
Plaintiff and Counter-defendant,
v.

ADA MAE JOHNSON a/k/a ADA
WOFFINDEN, an individual d/b/a
VIOLET BLUE a/k/a VIOLET a/k/a
VIOLET LUST; ASSASSIN PICTURES
INC., a California Corporation;
ASSASSINCASH.COM; BILL T. FOX,
an individual, a/k/a BILL FOX; FIVE
STAR VIDEO L.C., an Arizona Limited
Liability Company a/k/a Five Star Video
Distributors LLC d/b/a Five Star
Fulfillment; and DOES 1-10

Defendants and Counter-claimants.

Case No. C 07-5370 SI

**CORRECTED DECLARATION OF
COLETTE VOGELE IN SUPPORT OF
PLAINTIFF VIOLET BLUE'S
NOTICE OF MOTION AND (1)
SPECIAL MOTION TO STRIKE
FIFTH COUNTERCLAIM AS A
MERITLESS S.L.A.P.P. PURSUANT
TO CODE OF CIV. PROC. § 425.16;
AND (2) MOTION TO DISMISS
THIRD AND FOURTH
COUNTERCLAIMS**

The Honorable Susan Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Hearing Date: April 4, 2008
Hearing Time: 9:00 a.m.

I, Colette Vogele, declare as follows:

1. I am a member of the State Bar of California, admitted to practice before this
Court, founding attorney of Vogele & Associates, and attorney of record for Plaintiff and movant
Violet Blue ("Blue") herein. The facts contained in this declaration are known personally to me
and, if called as a witness, I could and would testify competently thereto under oath.

1 2. My declaration on file with this Court as Docket 43 was filed erroneously. This
2 declaration is the correct version, and there are no substantive changes other than revised exhibit
3 references and one deletion. Specifically, paragraph 13 of the original declaration is deleted in
4 this version. Further, the print date of Exhibit F was erroneously cited as February 25, 2008, and
5 the correct date is January 28, 2008 (see para. 8). The second sentence of paragraph 7 of the
6 original declaration is deleted. The reference to "International Movie Database" in the original
7 declaration has been corrected to "Internet Movie Database" (see para. 6). The reference to
8 "Gizmondo" in the original declaration has been corrected to "Gizmodo" (see para. 19). Lastly,
9 Exhibits W-1 and W-2 have been added by new paragraphs 24 and 25.

10 3. Attached hereto as Exhibit A is a true and correct copy of a printout dated
11 February 25, 2008, of an article entitled "Now Playing on Apple's iTunes: Adult-Oriented
12 Podcasts", from the website of The Wall Street Journal
13 ([http://online.wsj.com/public/article/SB112199964473193071-](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)
14 [wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top](http://online.wsj.com/public/article/SB112199964473193071-wHD0jEWmn1XrxuhE5HgGCs4siD0_20060721.html?mod=tff_main_tff_top)).

15 4. Attached hereto as Exhibit B is a true and correct copy of a printout of a webpage
16 titled "In Pictures: The Web Celeb 25 – Forbes.com" dated February 25, 2008, from Forbes.com
17 ([http://www.forbes.com/2007/01/23/web-celeb-25-techmedia_](http://www.forbes.com/2007/01/23/web-celeb-25-techmedia_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000)
18 [cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000](http://www.forbes.com/2007/01/23/web-celeb-25-techmedia_cx_de_06webceleb_0123top_slides_26.html?thisSpeed=30000)).

19 5. Attached hereto as Exhibit C is a true and correct copy pages 18, 186 and 187 of
20 *O: the Oprah Magazine* for July 2007.

21 6. Attached hereto as Exhibit D is a true and correct copy of a printout dated
22 February 25, 2008, from the Internet Movie Database website entry for "Violet Blue"
23 (<http://www.imdb.com/name/nm1013326/>).

24 7. Attached hereto as Exhibit E is a true and correct copy of a printout dated
25 February 25, 2008, from the website of the Exotic Erotic Ball
26 (<http://exoeroball.com/em/062306/>) referencing the appearance of "Violet Blue" for the 2006
27 Exotic Erotic Ball.
28

1 8. Attached hereto as Exhibit F is a true and correct copy of a partial printout dated
2 January 28, 2008, of an entry from Plaintiff Blue's website dated October 27, 2006
3 ([http://www.tinybubbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-](http://www.tinybubbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blueyoull-ever-need.html/)
4 [blueyoull-ever-need.html/](http://www.tinybubbles.com/blogarchives/2006/10/i-am-teh-real-vb-i-am-all-the-violet-blueyoull-ever-need.html/)).

5 9. Attached hereto as Exhibit G is a true and correct copy of a printout dated
6 February 25, 2008, from the website titled "The TWiT Netcast Network with Leo Laporte" and
7 reflecting Episode 86 of the program "this WEEK in TECH" and the on-line notes relating to
8 that program (<http://twit.tv/86/>).

9 10. Attached hereto as Exhibit H is a true and correct copy of a printout of a blog
10 entry entitled "Violet Blue and the 'Moose Lodge'" dated February 25, 2008, from the website
11 of the San Francisco Chronicle entitled "SFGate: Culture Blog! : Violet Blue and the 'Moose
12 Lodge'" (http://www.sfgate.com/cgi-bin/blogs/sfgate/detail?blogid=3&entry_id=13187/).

13 11. Attached hereto as Exhibit I is a true and correct copy of a document bearing
14 production number VB00096 which was produced to Defendant Johnson on January 17, 2008,
15 with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

16 12. Attached hereto as Exhibit J is a true and correct copy of a document bearing
17 production numbers VB00213 through VB00220 which were produced to Defendant Johnson on
18 January 17, 2008, with Plaintiff Blue's Rule 26(a)(1) initial disclosures.

19 13. Attached hereto as Exhibit K is a true and correct copy of a printout dated
20 February 25, 2008, from another website of the Exotic Erotic Ball
21 (<http://www.exoticeroticball.com/>) referencing the appearance of "Violet Blue" for the 2008
22 Exotic Erotic Ball.

23 14. Attached hereto as Exhibit M is a true and correct copy of a printout dated
24 February 25, 2008, of an article entitled "Violet Blue Memorabilia Sale," from the Adult
25 Industry News website (<http://www.ainews.com/story/12193/>).

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1 15. Attached hereto as Exhibit N is a true and correct copy of a printout dated
2 February 25, 2008, of an article entitled "Legal Battle Ensues Between the Two Violet Blues",
3 from the Adult Video News website ([http://www.avn.com/index.cfm?objectID=d3d256ea-0408-
4 6044-8a0880b3a36be003&slid=268442](http://www.avn.com/index.cfm?objectID=d3d256ea-0408-6044-8a0880b3a36be003&slid=268442)).

5 16. Attached hereto as Exhibit O is a true and correct copy of a printout dated
6 February 25, 2008, of an article entitled "Analysis: Violet Blue v. Violet Blue," from the Adult
7 Video News website ([http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-
8 87295A93B3801995&sitection=law](http://www.avn.com/printFriendly.cfm?objectID=168F719A-9191-D4B0-87295A93B3801995&sitection=law)).

9 17. Attached hereto as Exhibit P is a true and correct copy of a printout dated
10 February 25, 2008, from the ErosZine website ([http://www.eros-london.com/articles/2007-10-
11 30/newsbriefs103007/](http://www.eros-london.com/articles/2007-10-30/newsbriefs103007/)).

12 18. Attached hereto as Exhibit Q is a true and correct copy of a printout dated
13 February 25, 2008, of an article entitled "Sex Writer Violet Blue Sues Porn Star Violet Blue
14 Over Name – Updated" posted at the Wired Blog Network website
15 (<http://blog.wired.com/27bstroke6/2007/10/sex-journo-viol.html/>).

16 19. Attached hereto as Exhibit R is a true and correct copy of a printout dated
17 February 25, 2008, from an article entitled "Press: Sex Ed Blogger Violet Blue to Start TWaT,
18 the All-Girl Tech Podcast?" from Gizmodo.com ([http://gizmodo.com/gadgets/press/sex-
19 edblogger-violet-blue-to-start-twat-the-all+girl-tech-podcast-233732.php?mail2=true](http://gizmodo.com/gadgets/press/sex-edblogger-violet-blue-to-start-twat-the-all+girl-tech-podcast-233732.php?mail2=true)).

20 20. Attached hereto as Exhibit S is a true and correct copy of a printout dated
21 February 25, 2008, from the South By Southwest Interactive website
22 (<http://2008.sxsw.cohttp://2008.sxsw.com/blogs/ia.php/2007/10/>).

23 21. Attached hereto as Exhibit T is a true and correct copy of a printout dated
24 February 25, 2008, of a blog entry entitled "Blue Monday: If Sex Educators Could Make A
25 Living Wage, Would We Sue To Protect Our Brand?" from the website Sexerati.com
26 ([http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-
27 wagewould-we-sue-to-protect-our-brand/](http://www.sexerati.com/2007/10/25/blue-monday-if-sex-educators-could-make-a-living-wagewould-we-sue-to-protect-our-brand/)).

22. Attached hereto as Exhibit U is a true and correct copy of a printout dated February 25, 2008, of an entry entitled "Will the Real 'Violet Blue' Please Stand Up; Writer-Blogger Sues Porn Star Over Name Use" from the Blogonaut blog (<http://blogonautblogonaut.blogspot.com/2007/10/will-real-violet-blue-please-stand-up.html>).

23. Attached hereto as Exhibit V is a true and correct copy of a printout dated February 25, 2008, entitled "Pornstar Violet Blue Changes Name", from the Adult Industry News website (<http://ainews.com/story/12515/>).

24. Attached hereto as Exhibit W-1 is a true and correct copy of a printout dated February 25, 2008, of the Wikipedia "Revision history of Violet Blue (author)" (http://en.wikipedia.org/w/index.php?title=Violet_Blue_%28author%29&action=history).

25. Attached hereto as Exhibit W-2 is a true and correct copy of a printout dated February 25, 2008, of the Wikipedia "Revision history of Violet Blue (pornographic actress)" (http://en.wikipedia.org/w/index.php?title=Violet_Blue_%28pornographic_actress%29&action=history).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 26th day of February, 2008, at San Francisco, California.

/S/

Colette Vogelee